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13	UNITED STATES DISTRICT COURT	
14	NORTHERN DISTRICT OF CALIFORNIA	
15	SAN FRANCI	SCO DIVISION
16	FLATWORLD INTERACTIVES LLC, a Pennsylvania limited liability company,) No. C 12-01956 JSW
17	Plaintiff,	DECLARATION OF STEVE BERMAN IN OPPOSITION TO
18	V.	 APPLE'S MOTION TO DISQUALIFY HAGENS BERMAN SOBOL SHAPIRO LLP
19	APPLE INC, a California corporation,)
20	Defendant.	Noticed hearing date and time:July 26, 2013, 9:00 AM, Courtroom 11
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28	DECLARATION OF STEVE BERMAN No. C 12-01956 JSW	

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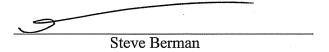
DECLARATION OF STEVE BERMAN

I, Steve Berman, declare:

- I am the managing partner of Hagens Berman Sobol Shapiro LLP ("Hagens Berman"), and I am lead counsel for FlatWorld Interactives LLC ("FlatWorld") in this matter. I make this declaration based upon my personal knowledge and am competent to testify as to the matters stated herein.
- 2. I have never consulted with John McAleese directly or indirectly with respect to any aspect of FlatWorld's case against Apple. Mr. McAleese is not Hagens Berman's co-counsel in this litigation.
- 3. I have communicated with John McAleese only once during a sixteen minute telephone call on April 4, 2013 regarding an employment law issue, and we also exchanged emails regarding this issue at the same time. Mr. McAleese did not provide any Apple confidential or privileged information to me during these communications, nor did he provide any advice, counsel, comments or instructions regarding this litigation.
- 4. The first time that I learned that Jennifer McAleese had forwarded email communications with Hagens Berman and copies of Apple pleadings to John McAleese was after John McAleese's call to Mark Carlson on February 26, 2013 was reported to me.
- 5. The first time that I learned of any relationship between MLB and Apple was after John McAleese's call to Mark Carlson on February 26, 2013 was reported to me.
- 6. I am unaware of any confidential Apple information given to me, Hagens Berman, or anyone employed by or working on behalf of Hagens Berman, by John McAleese, Jennifer McAleese, or Slavoljub Milekic. The only confidential Apple information that I have ever seen was produced to Hagens Berman by Apple in response to this Court's disclosure requirements and FlatWorld's discovery requests.
- 7. To the best of my knowledge, all documents in the possession, custody, or control of FlatWorld, Jennifer McAleese, or Slavoljub Milekic that are responsive to this Court's disclosure requirements or Apple's discovery requests have either been produced or listed on a privilege log. No documents have been intentionally destroyed, concealed, mischaracterized, or withheld and not logged.

- 8. I have reviewed Apple's Motion to Disqualify Hagens Berman, the supporting Declaration of Michael Pieja, and the exhibits thereto. I understand that Apple represents that John McAleese used Jennifer McAleese as a conduit to indirectly communicate confidential Apple information and legal advice to Hagens Berman. To the best of my knowledge, these representations are utterly false. I understand also that Apple accuses Hagens Berman of intentionally destroying documents. To the best of my knowledge, these accusations are utterly false and offensive.
- 9. Hagens Berman attorneys have billed 2,837.20 hours to the FlatWorld litigation against Apple as of April, 2013. The firm has invested hundreds of thousands of dollars in expert witness fees.

I declare under penalty of perjury that the foregoing is true and correct. Signed in Seattle, Washington, this 11th day of June, 2013.



CERTIFICATE OF SERVICE I hereby certify that on June 11, 2013, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the email addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List. Any non-CM/ECF participants will be served by electronic mail, facsimile and/or overnight delivery. /s/ Steve W. Berman STEVE W. BERMAN